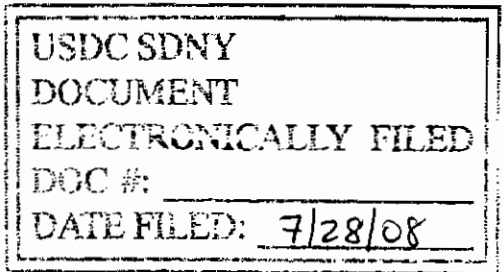


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
EVART ENTERPRISES, INC.,
Plaintiff,

-v-

GENTLEMEN'S VIDEO, INC., MICHAEL
ESPOSITO, individually and in his
corporate capacity, and SCOTT ESPOSITO,
individually and in his corporate
capacity,
Defendants.

07 Civ. 5441 (DLC)

ORDER

-----X
DENISE COTE, District Judge:

This case was referred to Magistrate Judge Eaton for general pretrial purposes. Dispositive motions were due by July 21, 2008, and the Joint Pretrial Order is due by July 31. No motions having been filed, and plaintiff's counsel having informed the Court by telephone on July 22 that no motions were expected and that the parties planned to proceed with a non-jury trial, it is hereby

ORDERED that the Joint Pretrial Order must be filed by **August 15, 2008**. As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

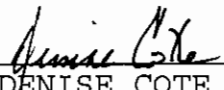
Counsel will provide the Court with one (1) courtesy copy of all these documents at the time they are served, as well as two sets of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.

IT IS FURTHER ORDERED that the final pretrial conference is scheduled for **September 5 at 3:30 p.m.** in Courtroom 11B, 500 Pearl Street.

IT IS FURTHER ORDERED that the case is placed on the **September 15** trial ready calendar. You must be ready to proceed on 24 hours notice. You may contact the Deputy Clerk, Gloria Rojas, to learn where your case stands on the calendar.

SO ORDERED:

Dated: New York, New York
July 28, 2008



DENISE COTE
United States District Judge